

6.15 - B-2 CENTRAL BUSINESS DISTRICT

6.15.1 INTENT:

The intent of the B-2, Central Business District is to promote a compact urban core with a mixture of commercial, office, institutional, and residential uses which facilitate pedestrian accessibility.

6.15.2 PERMITTED USES:

Within the B-2 Central Business District the following uses are permitted:

- 6.15.2.1 Accessory structures and uses;
- 6.15.2.2 Alternative tower structures;
- 6.15.2.3 Amusements, and recreation, including theaters;
- 6.15.2.4 Auction houses;
- 6.15.2.5 Bakeries;
- 6.15.2.6 Beer serving/sales establishments;
- 6.15.2.7 Churches, parish houses, Sunday school buildings, cemeteries, and other church related activities;
- 6.15.2.8 Clinics;
- 6.15.2.9 Cultural, civic, and institutional uses;
- 6.15.2.10 Financial institutions;
- 6.15.2.11 Fraternal organizations and clubs, not operated for profit;
- 6.15.2.12 Graphics, printing, and newspaper publishing facilities;
- 6.15.2.13 Home occupations (Subject to Section 6.1.1.7);
- 6.15.2.14 Hotels;
- 6.15.2.15 Liquor Stores;
- 6.15.2.16 Micro breweries and distilleries;
- 6.15.2.17 Municipal, county, state, or federal buildings and uses;

- 6.15.2.18 Offices, both private and governmental;
- 6.15.2.19 Parking lots and garages with first floor retail encouraged;
- 6.15.2.20 Personal, business, and professional services;
- 6.15.2.21 Pharmacies;
- 6.15.2.22 Public utility stations;
- 6.15.2.23 Radio and television stations;
- 6.15.2.24 Residential dwellings on the upper floors of buildings;
- 6.15.2.25 Restaurants (without drive-thru facilities);
- 6.15.2.26 Schools, public and private;
- 6.15.2.27 Stores and shops conducting retail trade;
- 6.15.2.28 Taxi facilities, train stations, and bus stations;
- 6.15.2.29 Temporary uses not to exceed ninety (90) days; and
- 6.15.2.30 Warehousing, not including self-service storage facilities.

6.15.3 USES PERMITTED BY APPROVAL AS SPECIAL EXCEPTION:

The following uses are permitted when approved by the Board of Zoning Appeals as a Special Exception as provided by Section 15.4:

- 6.15.3.1 Production and assembly of hand crafted items and custom designed products provided:
 - A. Such uses shall not produce exterior smoke, dust, noise, odor, unusual lighting, vibrations, fumes, hazards, or other objectionable, noxious or injurious conditions and shall conform to applicable building and fire codes;
 - B. The front of the building at street level shall remain open and visible from the sidewalk with a view of the activities inside and
 - C. A showroom or display area, or a sales area shall be provided.

6.15.3.2 Sidewalk dining provided:

- A. No sidewalk dining shall be permitted except for a restaurant. Restaurant shall be defined as any place kept, used, maintained, advertised and held out to the public as a place where food is prepared and served;
- B. Sidewalk dining includes the serving and consumption of both food and beverages within the permitted sidewalk dining area. The serving or consumption of food shall occur within the hours of operation, not to exceed 11:00 p.m. The serving of alcohol shall be limited to the hours of 11:00 a.m. through 11:00 p.m. No serving or consumption of food or beverage shall occur within the permitted sidewalk dining area after 11:00 p.m. No cooking or food preparation shall be conducted on the sidewalk at any time;
- C. Sidewalk dining shall be permitted only along that length of sidewalk and/or public property immediately adjoining the building containing the restaurant;
- D. A four-foot unobstructed pedestrian way shall be maintained on all sidewalks at all times. The unobstructed pedestrian way shall be measured and maintained from the back of the curb toward the building along a line perpendicular to the building;
- E. All outer boundaries of the permitted sidewalk dining area shall be clearly delineated. A scaled drawing of the proposed permitted sidewalk dining area shall be submitted with the special exception request;
- F. The restaurant shall keep in full force and effect a minimum of \$1,000,000.00 commercial general liability insurance policy naming the City of Johnson City, Tennessee, as additional insured and, at the time of renewal of the special exception, shall provide proof thereof to the Risk Management Department of the City of Johnson City, Tennessee;
- G. Outside furniture shall be suitable for outdoor use and able to withstand the elements. Furniture shall not be attached, chained, or permanently placed within the right-of-way or on the sidewalk. No alterations or modifications of any kind, including but not limited to penetration of the sidewalk, shall be made to any part of the sidewalk or public right-of-way;

- H. No table umbrellas shall be permitted that encroach into the four-foot unobstructed pedestrian way, and all umbrellas shall be fastened to a secure base properly weighted to prevent the umbrella's movement; umbrellas shall not contain messages, symbols, or advertising, in any form;
- I. Any trash receptacles provided by the restaurant shall have the recommendation of the Johnson City Development Authority;
- J. When granted a special exception, the restaurant may serve, and its patrons may display and consume, any alcoholic beverages for which the restaurant has a license, within the permitted sidewalk dining area at permitted times. No alcoholic beverages shall be served, displayed, or consumed outside of the permitted sidewalk dining area at any time or within the permitted sidewalk dining area beyond the permitted time;
- K. The restaurant shall comply with all state and local regulations regarding the sale, possession, and/or consumption of alcoholic beverages;
- L. The special exception granted herein shall be reviewed by the Board of Zoning Appeals at any time to assure continued compliance with the criteria set forth above. No special exception shall be considered to be permanent, and no special exception shall be considered as attached to, appurtenant to, or a part of the property to which it applies. The special exception shall, instead, be considered applicable only to the restaurant to which it is granted and only for so long as the restaurant is operating and in compliance with the criteria set forth above. A restaurant's failure to comply with any of the criteria set forth above or its failure to maintain furniture, umbrellas, and the premises in good condition and free of trash shall be cause for the Board of Zoning Appeals to revoke the special exception. Notwithstanding the date that a special exception is granted by the Board of Zoning Appeals, all permits are valid for three years and shall expire on June 30th of the third year;
- M. The restaurant shall provide any additional information required by the Board of Zoning Appeals to ensure compliance with these regulations.

N. Outdoor dining on public property, in addition to the right-of-way adjoining the restaurant, may be permitted by special exception if the following terms and conditions are met and satisfied and the Board of Zoning Appeals approves such requests:

1. Approval for outdoor dining use requires a yes/no recommendation from the City Manager with a yes/no recommendation from the appropriate city department responsible for maintenance and use of the public property;
2. Dining space shall not exceed 25 percent or 250 square feet whichever is less of the public property in question and shall adjoin the restaurant with an impervious surface;
3. The area of dining space shall be determined in a manner that does not impede, restrict, or otherwise diminish the use of the remaining public property, as determined by the appropriate city department; and
4. Special Exception approval shall require compliance with all applicable conditions for sidewalk dining.

6.15.4 AREA REGULATIONS:

To create an interesting and visually stimulating environment, all buildings, excluding civic and institutional uses, should be located at the sidewalk edge. Civic and institutional uses, such as churches, museums, and publicly-owned buildings, are encouraged to be set back from the street with a plaza or lawn. Blank or monotonous facades create a hostile and uninviting environment and are to be avoided on all buildings by using doors, windows, display areas, sculptures, columns, and other architectural features.

6.15.4.1 Building Placement:

All buildings, excluding cultural, civic, and institutional uses, shall be set back no further than five (5) feet from the front lot line for at least ninety (90) percent of the front facade, unless an outdoor eating area is provided which extends from the front building line to within five (5) feet of the front lot line. Corner lots shall be considered to have front lot lines for all sides of the lot adjoining a public right-of-way, excluding alleys.

6.15.4.2 Exterior Building Treatment:

A. Cultural, civic, and Institutional Uses:

A minimum of twenty-five (25) percent of the street level facade of all buildings shall be windows, doors, display areas, or similar architectural features.

B. All Other Buildings:

A minimum of sixty-five (65) percent of the street level facade of all buildings, shall be windows, doors, display areas, or similar architectural features.

6.15.4.3 Building Height:

All buildings will be a minimum of two stories in height.